

General Depository for Credit to
United States Treasury Symbol 4667

Mon May 21 11:21:20 2001

UNITED STATES DISTRICT COURT

SCRANTON, PA

Receipt No. 111 133971
Cashier jill

Tender Type CHECK

Check Number: 47892

Transaction Type N

D/C Code	Div No	Acct
4667	1	086900

Amount \$ 5.00

00 SCI HOUTZDALE HOUTZDALE, PA 16698-10

00-1831 FILING FEE FOR H/C PETITION IN 1:CV-

cn

Mon May 21 11:21:20 2001

Unit No. 1000

Receipt No. 111 133971

Cashier jill

Tender Type CHECK

Check Number: 47892

Transaction Type N

D/C Code Div No Acct

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Amount \$ 5.00

SCI HOUTZDALE HOUTZDALE, PA 16698-10

FILING FEE FOR H/C PETITION IN 1:CV-

00-1831

1:CV-00-1831

FILED
HARRISBURG

MAY 21 2001

MARY E. D'ANDREA, CLERK

Per *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CALVIN WILLIAM ROTH, JR.,

Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.,

Respondents

CIVIL ACTION NO. 1:CV-00-1831

(Judge Rambo)

FILED
HARRISBURG, PA

APR 23 2001

MARY E. D'ANDREA, CLERK
Per MS
Deputy Clerk

ORDER

Before the court is a petition for writ of habeas corpus filed under 28 U.S.C. § 2254 by Calvin William Roth Jr., an inmate currently incarcerated at the State Correctional Institution at Houtzdale, Pennsylvania. The petition was accompanied by a motion to proceed in forma pauperis.

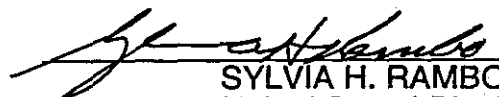
A report from Roth's inmate commissary, or trust fund, account supplied by prison officials shows that in the six months before he filed the complaint an amount in excess of \$556.00 was deposited into Petitioner's prison account. His present balance is \$ 31.54. Additionally, he receives an average monthly wage of \$57.81 from institutional employment.

Federal law requires the petitioner in a habeas corpus action to pay a filing fee of \$ 5.00. 28 U.S.C. § 1914(a). The court has determined that Roth has sufficient resources to pay the entire amount. Accordingly, Petitioner will be directed to respond to this order in one of the four manners described below within twenty (20) days. If he fails to respond to this order within twenty (20) days, his motion to proceed in forma pauperis will be denied and his action will be dismissed.

IT IS THEREFORE ORDERED THAT:

1. Within twenty (20) days of the date of this order, Petitioner must send to "Clerk, U.S. District Court, P.O. Box 1148, Scranton, PA 18501," either:
 - a. A check or money order in the amount of \$5.00 payable to "Clerk, U.S. District Court"; if this fee is received, the prisoner's motion to proceed in forma pauperis will be denied as moot and service of the petition will be ordered.
 - b. A written request for a reasonable extension of time in which to make the payment.
 - c. A written explanation demonstrating that he lacks access to sufficient funds to make the payment; the prisoner's explanation should include a statement of the source of the funds deposited in his trust fund, or commissary, account in the preceding six months and reasons for the withdrawals, or
 - d. A written description of special circumstances which he believes warrant excusing him from paying the fee as indicated above.
2. If Petitioner fails to respond to this order within 20 days, his motion to proceed in forma pauperis will be denied and his action will be dismissed.

4/23/01


SYLVIA H. RAMBO
United States District Judge

SR:jww